

REMARKS

Claims 1-21 are pending in the present application.

Claims 17-21 are withdrawn from consideration.

Claims 1-2, 10 and 14 have been amended.

Reconsideration of the claims is respectfully requested.

35 U.S.C. § 112, second paragraph

Claims 14-15 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action states that it is not apparent whether the “constituted” language in claim 14 means “comprising” or “consisting”. This rejection is respectfully traversed.

Claim 14 has been amended to remove the word “constituted”.

Therefore, the rejection of claims 14-15 under 35 U.S.C. § 112, second paragraph, has been overcome.

35 U.S.C. § 103 (Obviousness)

Claims 2-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,862,704 to *Millies* in view of U.S. Patent No. 6,168,047 to *Takamura*. Claims 1-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,890,813 to *Childers* in view of *Takamura*. Claims 1-3, 5, 8-11 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,431,398 to *Cook* in view of *Takamura*. Claims 1-8 and 10-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Childers* in view of U.S. Patent No. 6,561,380 to *Suzuki*. Claims 1-6, 8, 10, 12, 13 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cook* in view of *Suzuki*. These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-127 (8th ed. rev. 7 July 2008). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some reason – such as a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art – to modify the reference or to combine reference teachings. MPEP § 2142, pp. 2100-127 to 2100-128 (8th ed. rev. 7 July 2008); MPEP § 2143, pp. 2100-128 to 2100-139; MPEP § 2143.01, pp. 2100-139 to 2100-141. Second, there must be a reasonable expectation of success. MPEP § 2143.02, pp. 2100-141 to 2100-142 (8th ed. rev. 7 July 2008). Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. MPEP § 2143.02, pp. 2100-141 to 2100-142 (8th ed. rev. 7 July 2008).

Claims 1, 2 and 10 recite that the first staging region retains a first product container and the second staging region simultaneously retains a second product container behind the first product container. Such a feature is not taught or suggested by *Millies*, *Childers*, *Cook*, *Takamura*, or *Suzuki*. The Office Action states that the pair of bars 80 in *Childers* and the rocking body 26 in *Cook* each constitute a first and second staging area. However, neither *Childers* nor *Cook* teach that the first staging region retains a first product container and the second staging region simultaneously retains a second product container behind the first product container. These deficiencies are not cured by *Takamura*, *Suzuki*, or *Millies*.

Therefore, the rejections of claims 1-13 and 16 under 35 U.S.C. § 103 have been overcome.

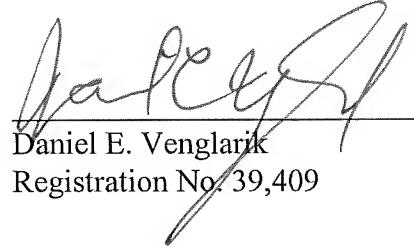
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *dvenclarik@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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